

## Terminations

### Policy

**USDA Federal Regulations:** (ii) Mandatory disqualification mid-certification for income ineligibility. The local agency must disqualify a participant and any other household members currently receiving WIC benefits who are determined ineligible based on the mid-certification income reassessment. However, adjunctively-eligible WIC participants (as defined in paragraphs (d)(2)(vi)(A) or (d)(2)(vi)(B) of this section) may not be disqualified from the WIC Program solely because they, or certain family members, no longer participate in one of the other specified programs. The State agency will ensure that such participants and other household members currently receiving WIC benefits are disqualified during a certification period only after their income eligibility has been reassessed based on the income screening procedures used for applicants who are not adjunctively eligible.

(2) Mandatory sanctions or other actions for participant violations. The local agency must impose disqualifications, or take other actions in accordance with the procedures set forth in §246.12(u), in response to participant violations including, but not limited to, the violations listed in the definition of Participant violation in §246.2.

(3) Optional mid-certification actions. A participant may be disqualified during a certification period for the following reasons:

(i) A State agency may allow local agencies to disqualify a participant for failure to obtain food instruments, cash-value vouchers or supplemental foods for several consecutive months. As specified by the State agency, proof of such failure includes failure to pick up supplemental foods, cash-value vouchers or food instruments, nonreceipt of food instruments or cash-value vouchers (when mailed instruments or vouchers are returned), or failure to have an electronic benefit transfer card revalidated for purchase of supplemental foods; or

(ii) If a State agency experiences funding shortages, it may be necessary to discontinue Program benefits to some certified participants. The State agency must explore alternatives (such as elimination of new certifications) before taking such action. In discontinuing benefits, the State agency will affect the least possible number of participants and those whose nutritional and health status would be least impaired by the action. When a State agency elects to discontinue benefits due to insufficient funds, it will not enroll new participants during that period. The State may discontinue benefits by:

(A) Disqualifying a group of participants; and/or,

(B) Withholding benefits from a group with the expectation of providing benefits again when funds are available.

6) A person who is about to be suspended or disqualified from program participation at any time during the certification period shall be advised in writing not less than 15 days before the

suspension or disqualification. Such notification shall include the reasons for this action, and the participant's right to a fair hearing. Further, such notification need not be provided to persons who will be disqualified for not picking up cash-value vouchers, supplemental foods or food instruments in accordance with paragraph (h)(3)(i) of this section. (8) Each participant, parent or caretaker shall be notified not less than 15 days before the expiration of each certification period that certification for the Program is about to expire. (9) If a State agency must suspend or terminate benefits to any participant during the participant's certification period due to a shortage of funds for the Program, it shall issue a notice to such participant in advance, as stipulated in paragraph (j)(6) of this section.

(1) Dual participation. The State agency is responsible for the following:

(3) Immediate termination from participation in one of the programs or clinics for participants found in violation due to dual participation; and

(4) In cases of dual participation resulting from intentional misrepresentation, the collection of improperly issued benefits in accordance with §246.23(c)(1) and disqualification from both programs in accordance with §246.12(u)(2).

(u) Participant violations and sanctions—(1) General requirements. The State agency must establish procedures designed to control participant violations. The State agency also must establish sanctions for participant violations. Participant sanctions may include disqualification from the Program for a period of up to one year.

(2) Mandatory disqualification. (i) General. Except as provided in paragraphs (u)(2)(ii) and (u)(2)(iii) of this section, whenever the State agency assesses a claim of \$100 or more, assesses a claim for dual participation, or assess a second or subsequent claim of any amount, the State agency must disqualify the participant for one year.

(ii) Exceptions to mandatory disqualification. The State agency may decide not to impose a mandatory disqualification if, within 30 days of receipt of the letter demanding repayment, full restitution is made or a repayment schedule is agreed on, or, in the case of a participant who is an infant, child, or under age 18, the State or local agency approves the designation of a proxy.

(iii) Terminating a mandatory disqualification. The State agency may permit a participant to reapply for the Program before the end of a mandatory disqualification period if full restitution is made or a repayment schedule is agreed upon or, in the case of a participant who is an infant, child, or under age 18, the State or local agency approves the designation of a proxy.

(4) Fair hearings. At the time the State agency notifies a participant of a disqualification, the State agency must advise the participant of the procedures to follow to obtain a fair hearing pursuant to §246.9.

## Authority

7 CFR Part 246.7(h)(1)(ii)

7 CFR Part 246.7(h)(2)

7 CFR Part 246.7(h)(3)(i-ii)(A-B)  
 7 CFR Part 246.7(j)(6,8,9)  
 7 CFR Part 246.7(l)(3-4)  
 7 CFR Part 246.12(u)(1-2)(i-iii)  
 7 CFR Part 246.12(u)(4)

## Procedures

If a participant with a current active WIC status is no longer eligible for the program, a termination notice must be used. (An applicant would be considered ineligible (not terminated) if they are attempting to be certified and do not have an active WIC status. This includes applicants who have or have never been on the WIC Program before. A notice of ineligibility shall be given in this case. Information on this process can be found in the Processing Standards and Notice of Eligibility policy.)

If a participant is found ineligible, with certification, the system will terminate the application and certification record. This will only happen if a participant has a status of active. A termination record will be created with a termination effective date 15 days after the date the action was completed.

If an applicant with an active status is found ineligible at certification -

- Obtain the signature of the applicant or parent/guardian
- The system will automatically insert the reason for ineligibility and select 15 days from today's date as the effective date of termination
- Print the Termination Notice, an example of which can be found in the Certification, Eligibility and Coordination of Services Forms folder, and give it to the applicant
- Place a comment/alert in the data system that the notice was printed and provided to the parent/guardian/participant

Applicants with a current active status may be determined ineligible for services because:

- Household income exceeds the guidelines\*
- They failed to bring proof of identity
- They do not have a nutrition risk or
- The Iowa WIC Program is serving only higher priority classes due to funding constraints

\*Note: This does not include provisionally certified participants who return within 30 days and are found to be over income. These participants were given notice at the time of certification that they must provide proof of income in order to receive any more food benefits.

Participants may also be terminated for the following reasons:

- Failed to reapply
- Violated program rules (this is referred to as a disqualification) \*

- No recent FB pickup
- Moved out of state
- Failed to provide proof (provisional certification)
- Placed on a waiting list
- Deceased
- Requested to leave the program
- Categorical ineligibility
- Category change or
- No longer in family

\*Note: When someone is terminated due to violating program rules it is referred to as disqualification. Local agencies would not terminate a participant for this reason, this is handled by the State office.

Categorical Ineligibility: A Notice of Termination is required for categorical ineligibility (breastfeeding 1 year postpartum, not breastfeeding 6 months postpartum or a child's 5th birthday) and the termination reason and date must manually be entered into the data system to ensure an accurate notice. Issue the termination notice for the categorical ineligibility at least 15 days before the certification end date. In most cases, notice will be provided with the last set of benefits. However, there may be situations that require providing notice with the next to last set of benefits. For terminations of those no longer categorically eligible follow the steps listed below:

- Click on the New button in the Termination group box and select the appropriate termination reason from the drop down list.
- Select the effective date of termination to match the categorical eligibility end date on the certification panel.
- Print the Termination Notice and give it to the applicant.
- Place a comment/alert in the data system that the notice was printed and provided to the parent/guardian/participant.

System Terminations: A Notice of Termination is required for participants who are automatically terminated by the system for the following reasons: failed to reapply and failed to provide proof of income or address in 30 days (provisional certification). No recent FB pickup is another system termination.\* For termination of these participants follow the steps listed below:

- Click on the New button in the Termination group box and select the appropriate termination reason from the drop down list.
- Select the effective date of termination to match the end date on the certification panel.
- Print the Termination Notice and mail/give it to the applicant.
- Place a comment/alert in the data system that the notice was printed and mailed/provided to the parent/guardian/participant.

\*Note: No recent FB pickup is another automatic termination, however it is not necessary to print a termination notice for this reason though since they can be reinstated at their request following a termination for this reason; the termination reason in the data system is adequate

documentation.

**Immediate Terminations:** A Notice of Termination is required for the following participants, however they can be terminated effective immediately:

- Stopped breastfeeding after 6 months postpartum\*
- Moved out of state (as evident from returned mail or a request for VOC)
- Deceased
- Provisionally certified participants who returned within 30 days with proof of income and were found to be over the income guidelines
- Participants who are no longer part of the family and are not transferring to another WIC family
- Change from Pregnant to Breastfeeding or Not breastfeeding status\*
- Change from Breastfeeding or Not breastfeeding to pregnant status\*

\*Note: The last two examples are not program termination. It is the data system procedure required to change the woman's categorical status to certify in her new categorical status. If breastfeeding stops after 6 months postpartum and the participant becomes categorically ineligible mid-certification, the participant must be provided a termination notice regarding the ineligibility and terminated from the program immediately. Food benefits should be recalculated to remove current and future benefits from the participant.

For termination of these participants, follow the steps below:

- Click on the New button in the Termination group box and select the appropriate termination reason from the drop down list.
- The data system will automatically select today's date as the effective date of termination.
- Print the Notice of Termination and provide the Notice of Termination to the parent/guardian/participant.
- Place a comment/alert in the data system that the notice was printed and provided to the parent/guardian/participant.
- Adjust the food benefits to remove any current and future food benefits for that participant(s).

Note: It is not necessary to print notices if the participant moved out of state or is deceased; the termination reason in the data system is adequate documentation.

Participants or their caregiver must be notified if their certification is about to expire within 15 days but no more than 45 days of expiration of their certification end date. Follow the steps in the table below.

- At the beginning of each month, select Reports from the main panel in Focus.
- In the Reports tree view, open the following: Clinic Services Reports, Administrative Reports and select Termination by system pending.
- Choose your agency and select the "Next Month" drop down choice under Time Frame and click View Report.
- Bring up the report and export to a PDF, word or excel file and print.
- Contact each individual on the report via phone, text, or written notice to ensure that an

appointment has been scheduled and to inform the participant that their benefits will end if they do not come in for their appointment. Document on the report attempted contacts and contacts made.

- File the report.

## Best Practices

There are three data system termination reports which may be helpful in identifying those participants who are about to expire (in order to provide outreach and make sure their minimum 15 day termination notice is provided). They are:

- No Food Benefits Pickup: This report identifies participants that have not received food benefits for a period of time, and are about to be terminated for non-participation, and do not have an appointment scheduled.
- Termination by System Pending: Lists participants that are coming up on termination at the end of the month, next month, or the month after due to either categorical ineligibility, expiring certification, or provisionally certified.
- Terminated by System: Lists participants terminated by the system at the end of the certification by the system batch processes.